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09/830,794	05/01/2001	Pramod Kakumanu Reddy	7332	3673

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EXAMINER

BOYER, CHARLES I

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 01/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application No. 09/830,794	Applicant(s) Reddy et al
	Examiner Charles Boyer	Art Unit 1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on May 1, 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5

6) Other: _____

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DETAILED ACTION

Claim Objections

1. Claims 27 and 28 are objected to because of the following informalities: These claims should be rewritten for clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11, 12, 15-17, 22, 23, and 27-30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Robinson et al, US 4,411,831.

Robinson et al teach liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 16.7% LAS (col. 4, example 5E). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

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In the alternative, if the HIC value is just outside applicants' presently claimed range, as the word "about" permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of "about 8 to about 9.2" presently claimed. Alternatively, if the range of prior art and the claimed range do not overlap, obviousness may still exist if the ranges are close enough that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

Applicants' examples compare their compositions to those not containing their amount of LAS, they do not compare their composition to compositions having HIC values just outside the presently claimed range. Furthermore, even if applicants were to remove the about language of their claims and successfully argue that their HIC value is critical, note that a broad range of proportions of surfactants are taught by the reference. It would have been obvious to one of ordinary skill in the art to adjust the amount of surfactant present in a composition consistent with the teachings of the reference, with a reasonable expectation of successfully obtaining a liquid laundry detergent that meets the HIC value limitation of the present claims.

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4. Claims 11, 12, 16, 17, 22, 23, 29, and 30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Inamorato et al, US 4,092,273.

Inamorato et al teach liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 20% LAS (col. 17, example 4). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, if the HIC value is just outside applicants' presently claimed range, as the word "about" permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of "about 8 to about 9.2" presently claimed. Alternatively, if the range of prior art and the claimed range do not overlap, obviousness may still exist if the ranges are close enough that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

Applicants' examples compare their compositions to those not containing their amount of LAS, they do not compare their composition to compositions having HIC values just outside the presently claimed range. Furthermore, even if applicants were to remove the about language of their claims and successfully argue that their HIC value is critical, note that a broad range of

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proportions of surfactants are taught by the reference. It would have been obvious to one of ordinary skill in the art to adjust the amount of surfactant present in a composition consistent with the teachings of the reference, with a reasonable expectation of successfully obtaining a liquid laundry detergent that meets the HIC value limitation of the present claims.

Claims 11, 12, 16, 17, 22, 23, 29, and 30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Arnau et al, US 4,147,649.

Arnau et al teach heavy duty liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 20% LAS (col. 17, example XX). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, if the HIC value is just outside applicants' presently claimed range, as the word "about" permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of "about 8 to about 9.2" presently claimed. Alternatively, if the range of prior art and the claimed range do not overlap, obviousness may still exist if the ranges are close enough that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934

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(Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

Applicants' examples compare their compositions to those not containing their amount of LAS, they do not compare their composition to compositions having HIC values just outside the presently claimed range. Furthermore, even if applicants were to remove the about language of their claims and successfully argue that their HIC value is critical, note that a broad range of proportions of surfactants are taught by the reference. It would have been obvious to one of ordinary skill in the art to adjust the amount of surfactant present in a composition consistent with the teachings of the reference, with a reasonable expectation of successfully obtaining a liquid laundry detergent that meets the HIC value limitation of the present claims.

Claims 11, 12, 15-18, 22, 23, and 27-30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Smith et al, US 4,333,862.

Smith et al teach liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 17% LAS and 1.5% polycarboxylate (col. 16, example 10). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

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In the alternative, if the HIC value is just outside applicants' presently claimed range, as the word "about" permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of "about 8 to about 9.2" presently claimed. Alternatively, if the range of prior art and the claimed range do not overlap, obviousness may still exist if the ranges are close enough that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

Applicants' examples compare their compositions to those not containing their amount of LAS, they do not compare their composition to compositions having HIC values just outside the presently claimed range. Furthermore, even if applicants were to remove the about language of their claims and successfully argue that their HIC value is critical, note that a broad range of proportions of surfactants are taught by the reference. It would have been obvious to one of ordinary skill in the art to adjust the amount of surfactant present in a composition consistent with the teachings of the reference, with a reasonable expectation of successfully obtaining a liquid laundry detergent that meets the HIC value limitation of the present claims.

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Claims 11, 12, 16, 17, 22, 23, 29, and 30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Collins, US 3,869,399.

Collins teaches heavy duty liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 16.2% LAS (col. 9, example III). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, if the HIC value is just outside applicants' presently claimed range, as the word "about" permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of "about 8 to about 9.2" presently claimed. Alternatively, if the range of prior art and the claimed range do not overlap, obviousness may still exist if the ranges are close enough that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

Applicants' examples compare their compositions to those not containing their amount of LAS, they do not compare their composition to compositions having HIC values just outside the presently claimed range. Furthermore, even if applicants were to remove the about language of their claims and successfully argue that their HIC value is critical, note that a broad range of

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proportions of surfactants are taught by the reference. It would have been obvious to one of ordinary skill in the art to adjust the amount of surfactant present in a composition consistent with the teachings of the reference, with a reasonable expectation of successfully obtaining a liquid laundry detergent that meets the HIC value limitation of the present claims.

Claims 11, 12, 15-17, 22, 23, and 27-30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wixon, US 5,290,475.

Wixon teaches liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 12.5% LAS (col. 21, example 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, if the HIC value is just outside applicants' presently claimed range, as the word "about" permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of "about 8 to about 9.2" presently claimed. Alternatively, if the range of prior art and the claimed range do not overlap, obviousness may still exist if the ranges are close enough that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

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Applicants' examples compare their compositions to those not containing their amount of LAS, they do not compare their composition to compositions having HIC values just outside the presently claimed range. Furthermore, even if applicants were to remove the about language of their claims and successfully argue that their HIC value is critical, note that a broad range of proportions of surfactants are taught by the reference. It would have been obvious to one of ordinary skill in the art to adjust the amount of surfactant present in a composition consistent with the teachings of the reference, with a reasonable expectation of successfully obtaining a liquid laundry detergent that meets the HIC value limitation of the present claims.

Claims 11-13, 15-17, and 22-30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Crossin, US 4,759,876.

Crossin teaches liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 18% LAS and 0.75% proteolytic enzyme (col. 11, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, if the HIC value is just outside applicants' presently claimed range, as the word "about" permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of "about 8 to about 9.2" presently claimed. Alternatively, if the range of prior art and the claimed range do not overlap, obviousness may still exist if the ranges are close enough

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that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

Applicants' examples compare their compositions to those not containing their amount of LAS, they do not compare their composition to compositions having HIC values just outside the presently claimed range. Furthermore, even if applicants were to remove the about language of their claims and successfully argue that their HIC value is critical, note that a broad range of proportions of surfactants are taught by the reference. It would have been obvious to one of ordinary skill in the art to adjust the amount of surfactant present in a composition consistent with the teachings of the reference, with a reasonable expectation of successfully obtaining a liquid laundry detergent that meets the HIC value limitation of the present claims.

Claims 11, 16, 17, 22, 23, 29, and 30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Peterson et al, US 4,874,537.

Peterson et al teach liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 5.4% LAS (col. 10, table IX). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

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In the alternative, if the HIC value is just outside applicants' presently claimed range, as the word "about" permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of "about 8 to about 9.2" presently claimed. Alternatively, if the range of prior art and the claimed range do not overlap, obviousness may still exist if the ranges are close enough that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

Applicants' examples compare their compositions to those not containing their amount of LAS, they do not compare their composition to compositions having HIC values just outside the presently claimed range. Furthermore, even if applicants were to remove the about language of their claims and successfully argue that their HIC value is critical, note that a broad range of proportions of surfactants are taught by the reference. It would have been obvious to one of ordinary skill in the art to adjust the amount of surfactant present in a composition consistent with the teachings of the reference, with a reasonable expectation of successfully obtaining a liquid laundry detergent that meets the HIC value limitation of the present claims.

Claims 11-17, and 21-30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wertz et al, US 4,561,998.

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Wertz et al teach heavy duty liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 22.5% LAS as well as citric acid, fatty acids, enzymes and detmpa (col. 8, example IIB). The examiner maintains that 22.5% meets the “about 20%” limitation of the present claims. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, if the HIC value is just outside applicants’ presently claimed range, as the word “about” permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of “about 8 to about 9.2” presently claimed. Alternatively, if the range of prior art and the claimed range do not overlap, obviousness may still exist if the ranges are close enough that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

Applicants’ examples compare their compositions to those not containing their amount of LAS, they do not compare their composition to compositions having HIC values just outside the presently claimed range. Furthermore, even if applicants were to remove the about language of their claims and successfully argue that their HIC value is critical, note that a broad range of proportions of surfactants are taught by the reference. It would have been obvious to one of ordinary skill in the art to adjust the amount of surfactant present in a composition consistent with

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the teachings of the reference, with a reasonable expectation of successfully obtaining a liquid laundry detergent that meets the HIC value limitation of the present claims.

Claims 11, 12, 15-17, 22, 23, and 27-30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hennemann et al, US 4,153,570.

Hennemann et al teach liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 20% LAS (col. 8, example 5). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, if the HIC value is just outside applicants' presently claimed range, as the word "about" permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of "about 8 to about 9.2" presently claimed. Alternatively, if the range of prior art and the claimed range do not overlap, obviousness may still exist if the ranges are close enough that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

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Applicants' examples compare their compositions to those not containing their amount of LAS, they do not compare their composition to compositions having HIC values just outside the presently claimed range. Furthermore, even if applicants were to remove the about language of their claims and successfully argue that their HIC value is critical, note that a broad range of proportions of surfactants are taught by the reference. It would have been obvious to one of ordinary skill in the art to adjust the amount of surfactant present in a composition consistent with the teachings of the reference, with a reasonable expectation of successfully obtaining a liquid laundry detergent that meets the HIC value limitation of the present claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wertz et al, US 4,561,998.

Wertz et al teach heavy duty liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 22.5% LAS as well as citric acid, fatty acids, enzymes and detmpa (col. 8, example IIB). With respect to additional

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adjunct ingredients required by the present claims, as such ingredients are well known for use in laundry detergents, their inclusion is an obvious choice to one of ordinary skill in the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 9:30 AM - 6:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 872-9310 for non-after-final amendments and (703) 872-9311 for after-final amendments.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Charles Boyer

January 13, 2003

A handwritten signature in black ink, appearing to read "Charles Boyer".